

Notice of Allowability

Application No.

09/903,843

Examiner

James A. Thompson

Applicant(s)

KLATCHKO ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04 May 2005.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 04 May 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 04 May 2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Keith Taboada on 14 June 2005.

The application has been amended as follows:

- a. In claim 1, line 1, change "A sizing algorithm" to "A sizing method".
- b. In claim 1, line 9, change "parent pixel map; and" to "parent pixel map;".
- c. In claim 1, line 17, change "within the frame, and" to "within the frame; and".
- d. In claim 2, line 1, change "The algorithm of claim 1 where" to "The method of claim 1, wherein".
- e. In claim 3, line 1, change "A sizing algorithm" to "A sizing method".
- f. In claim 4, line 1, change "A sizing algorithm" to "A sizing method".
- g. In claim 5, line 1, change "The sizing algorithm of claim 1, or 3 or 4 wherein" to "The sizing method of claim 1 or 3 or 4, wherein".
- h. In claim 6, line 1, change "The sizing algorithm of claim 5 wherein" to "The sizing method of claim 5, wherein".

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- i. In claim 7, line 1, change "The sizing algorithm of claim 6 wherein" to "The sizing method of claim 6, wherein".
- j. In claim 8, line 1, change "The sizing algorithm of claim 5 wherein" to "The sizing method of claim 5, wherein".
- k. In claim 8, line 4, change "parent pixel map; and" to "parent pixel map;".

DETAILED ACTION

Response to Arguments

2. Applicant's arguments, see page 3, filed 04 May 2005, with respect to the objections to the Information Disclosure Statement and the objections to the Drawings have been fully considered and are persuasive. The objections to the Information Disclosure Statement, listed in item 2 of the previous office action, dated 11 February 2005, and the objections to the Drawings, listed in item 3 of said previous office action, have been withdrawn.

Allowable Subject Matter

3. Claims 1-8 are allowed.

The following is an examiner's statement of reasons for allowance:

Reasons for Allowance of claims 1-8 have previously been given in item 4 of the previous office action, dated 11 February 2005. Further, Examiner has not found any prior art published in the interim that would anticipate or render obvious to one of ordinary skill in the art the present claims. Since Applicant has complied with all formal matter, the present application is deemed to be in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Thompson
Examiner
Art Unit 2624

JAT
31 May 2005



THOMAS D.
~~THOMAS D.~~ LEE
PRIMARY EXAMINER